

9/12/75

Dear Jim,

After writing Jimmy it occurred to me that the State would open and read if not also copy this letter, too, despite everything. It is one that deals with his defense, is of a private nature, and was written at the specific request of counsel. So, I did take special measures with it.

I always enclose the letter in a separate, sealed envelope addressed to him but sent to the mail room. He has told me that he never gets one not opened and none is ever opened in his presence and he never gets the outside envelope.

In this case I added a confidential legend to the inside envelope, sealed it with magic tape, and then sent it certified, return receipt. The number is 161007. I made a special trip to the post office to get it and the letter to Bob both out today.

If for once they respect their own regulations we have lost nothing but a little of my time so much of which was wasted today anyway. If they open it, I believe that you have something of which to make an issue. And I think should as soon as circumstances permit.

To this end I ask you to ask Jimmy when you write him to let you know it if was opened before he received it. I'd then ask him again about your letters.

I got your messages when I got home. However, no circumstances outside our control have anything to do with the confidentiality, the privacy and the propriety of both the contents of this particular letter and the issue in general.

It is simply impossible for a prisoner to receive justice when all the mail having anything to do with his defense (and with nothing else) is opened and spied upon by the other side. To say nothing of copied.

If after Haynes' latest they open this letter I think your case before 6th circuit would be stronger and I would not even mention it to Moras. I'd raise the question directly, separately and along the lines I suggested earlier, emphasizing the deliberateness of the improprieties, violations and abuses and asking it to make its own "full scale judicial inquiry" on this Constitutional issue alone, unless the behavior of the lawyers of the other side is not Constitutional. If not, include it as a separate item.

Best,